

### **REMARKS**

This responds to the Final Office Action mailed on April 3, 2006.

Claims 1, 10, 12, 23, 24, 25, and 26 are amended, claim 20 is canceled; as a result, claims 1-19 and 21-26 are now pending in this application.

#### **§112 Rejection of the Claims**

Claims 1-19, 21, 23-24 and 26 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. Specifically, the Final Office Action alleged that the term “canonical translation” is new matter. Applicants submit that the term “canonical translation” is not new matter. Nevertheless, Applicants have amended the claims to recite “canonical representation” instead of “canonical translation.”

#### **§102 Rejection of the Claims**

Claims 1-19 and 21-26 were rejected under 35 U.S.C. § 102(b) for anticipation by Perkowski (U.S. 5,950,173).

Applicants respectfully submit that claims 1-19 and 21-26 should not be rejected under 35 U.S.C. § 102(b) for the reason that Perkowski does not disclose each and every limitation of the claim 10, as amended, of their present application.

To anticipate a claim, the reference must teach every element of the claim.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Claim 10 includes the following limitation:

translating the first attribute to a second attribute responsive to identifying the first attribute in list that includes a plurality of attributes that are associated with the second attribute, the second attribute being a canonical representation of the plurality of attributes respectively

The following description from Perkowski has been considered to be relevant by the Final Office Action:

Once an "initial" IPI Registrant Database has been constructed using any one or more of the four database construction techniques described hereinabove, manufacturers registered therewith can be periodically contacted using Web-based electronic document (i.e. message) transfer techniques in order to request updating and confirmation of the UPC/URL listings contained within the database of the IPI subsystem of the present invention (emphasis added).

Col. 25, lines 47-54.

The above quote from Perkowski describes an IPI subsystem that updates an IPI Registrant Database. The IPI subsystem periodically utilizes message transfer techniques to contact manufacturers to update respective listings contained in the IPI Registrant database.

Claim 10 requires translating product information that includes a first attribute. Specifically claim 10 requires translating the first attribute to a second attribute responsive to identifying the first attribute in a list that includes multiple attributes that are associated with the second attribute, the second attribute being a canonical representation of the respective multiple attributes. For example, product information may include a first attribute, "screen\_size," that may be translated to a second attribute, "display\_res," responsive to identifying "screen\_size" in a list that includes multiple attributes (e.g., "screen\_size", "Screen Size", etc.) associated with the second attribute "display\_res," the second attribute being a canonical representation of the respective multiple attributes (Application, pages 14 - 16).

In contrast to the above quoted limitation of claim 10, the quote from Perkowski does not describe translating a first attribute to a second attribute. Perkowski simply describes updating listings. Updating a listing is not the same as translating an attribute. The limitation quoted above requires translation of a first attribute to a second attribute. The above quote from Perkowski describes no such translation much less a translation to a canonical representation.

Moreover, because the above quote from Perkowski fails to describe translating, it must also fail to describe translating that is responsive to identifying. Indeed, without "identifying," as required by claim 10, no such translation is performed. Further, the above quote from Perkowski

fails to describe other limitations recited by claim 10 (e.g., an list, an list that includes multiple attributes, a second attribute that is a canonical representation of the first attribute, etc.).

Perkowski therefore cannot be said to anticipate the above quoted limitations because Perkowski describes updating listings and claim 10 requires translating a first attribute to a second attribute responsive to identifying the first attribute in a list that includes multiple attributes, the second attribute being a canonical representation of the respective multiple attributes.

In summary, Perkowski does not disclose each and every limitation of claim 10, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

The above remarks are also applicable to a consideration of independent claims 1, 12, 23, 24, and 26. Applicants request that the above remarks and amendments contained herein also be considered when examining independent claims 1, 12, 23, 24 and 26 for allowability.

Claims 2-9 depend on independent claim 1. Claim 11 depends on independent claim 10. Claims 13-19 and 21 depend on independent claim 12. Claim 25 depends on independent claim 24. As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-9, 11, 13-19 and 21 under 35 U.S.C. § 102 is also addressed by the above remarks, and the amendments contained herein.

Claim 22 includes the following limitation:

creating a record search file from said records in said database, the token integers for each parameter type from said database are arranged sequentially adjacent to each other in said record search file;

The Final Office Action contends that the above limitation of claim 22 is anticipated by Figure 4A1 in Perkowski as described below:

As shown in FIG. 4A1, the ... IPI Registrant Database... comprises a ... an IPN Information Field for storing information (e.g. numeric or alphanumeric string) representative of the Universal Product Number (e.g. twelve-digit UPC Version A number or eight-digit UPC Version E number) assigned to the consumer product.

Col. 18, lines 33-40.

Claim 22 requires creating a record search file from records in a database where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the record search file. For example, a record search file may be created from a database that includes multiple records with each record including a color token integer and a cost token integer. Continuing with the example, the search file may be created such that color token integers from each record in the database are located sequentially adjacent in the search file and such that cost token integers from each record in the database are located sequentially adjacent in the record search file.

In contrast to the limitations of claim 22, the above quote from Perkowski does not describe creating a record search file, much less creating a record search file from records in a database, much less creating a record search file where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the record search file. The above quote from Perkowski simply describes an IPI registrant database.

Moreover, the Final Office Action states the following:

See FIG. 4A1 in particular. Token integers (IP/ISN) are associated with character strings (product descriptions). A query performed for that token integer... (emphasis added).

Final Office Action, mailed April 3, 2006, Page 6, paragraph 5.

However, Applicants have carefully searched Perkowski and have been unable to locate the phrase “token integer.” Applicants respectfully request the Examiner to provide a citation from Perkowski that explicitly includes the phrase “token integer” or to provide a citation from Perkowski that inherently describes a token integer. On the other hand, if the Examiner has taken official notice of a “token integer” then Applicants respectfully traverse this official notice and request the Examiner to provide a reference that describes such an element. Absent a citation from Perkowski or the provision of another reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

In summary, Perkowski cannot be said to anticipate the above quoted limitations because claim 22 requires creating a record search file from records in a database where token integers for each parameter type in the database are arranged sequentially adjacent to each other in the search file.

Applicants request that the above remarks and amendments also be considered when examining independent claim 25 for allowability.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4045 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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